

**Testimony: Program Review and Investigations Committee
General Assembly March 8, 2010**

RE: Sales of Alcohol Beverages on Sundays

My name is Bruce Nevins – I reside in Danbury and am in the wine and spirits retail business in Greenwich (WineWise on E. Putnam Ave.).

I have owned and operated retail wine & liquor stores in Connecticut, located in Greenwich and Ridgefield – both NY border towns – for the past 17 years. I can state categorically that mandated Sunday closings harm my business dramatically. Additionally, I can personally attest to the significant increase in sales in our New York store since Sunday sales became legal. These Sunday purchases are made by consumers for same-day consumption. Last minute decisions for a special dinner or entertainment on Sundays dictate the motivation for these purchases.

In the southeastern part of the state, our customers cross over into Port Chester, NY to purchase alcohol beverages on Sundays – it's within walking distance from my store in Greenwich. In the southwestern section (Ridgefield, Danbury) they drive over to South Salem, North Salem and Brewster to make these purchases. I live in Danbury – I walk further on my treadmill each morning than the distance from my house to Brewster, NY!

Virtually all of our regular customers have complained continually and loudly about being forced to drive into the border NY towns to purchase wine & liquor on Sundays. They cannot understand why Connecticut clings to its draconian, blue law era Sunday sales ban. This travesty of justice accomplishes two diametrically opposite functions: 1) it causes major inconvenience for millions of citizens of Connecticut and 2) it provides protectionism for a tiny special interest trade group comprised of merely a few hundred self-motivated members.

Since CT residents are forced to cross the state borders to purchase one category of products, they maximize their time to make all their other purchases of that same day - food, gas, etc. - in the border state location, as well. These people have been and are incredibly frustrated. They respond forcefully to pollsters and the media – they absolutely want the right to be able to purchase wine, liquor and beer on Sundays, just as residents of 47 out of 50 states do. Connecticut is one of only 3 holdout states in the entire country on this issue.

Sunday has become the second busiest shopping day of the week. Yet, in the entire Northeast, Connecticut remains the lone holdout on this modern convenience. Our border states all profit from sales made by Connecticut residents! I've witnessed this – I drive into these border towns on Sundays and see with my own eyes the large number of cars with Connecticut license plates in the parking lots of these stores

The net result is that in addition to creating a negative consumer environment, Connecticut loses millions of dollars in tax revenue each year to neighboring states.

Connecticut businesses of all types lose hundreds of millions of dollars in income to those border state businesses, solely because of this restriction. Just think about the thousands of additional jobs that would be needed to fill this vacuum. The unsubstantiated claims from the opposition deny these facts – however, they have absolutely no data to back up their false statements.

I know we will gladly hire additional employees, as will most other stores whom support Sunday sales. The food stores and super markets which I have spoken with will also need to hire more workers to handle increased volume of food and all their products on Sundays when they can effectively compete with neighboring states and sell beer. We're modern business people who realize that to survive in business, we must compete effectively with our border state competitors.

Connecticut, as well as every other state, vacated blue laws, declaring them unconstitutional, almost three decades ago. A 1994 challenge by CT auto dealers (because their regulated industry was still discriminated by blue laws) was decided in their favor by the state Supreme Court:

The Court based its decision on the fact that the state, in the interest of giving everyone "a common day of rest," had not risen to the level of exercising a "*legitimate and rational state purpose*." They found the ban to be arbitrary and without possession of rational law.

These same principles hold true for alcohol. There exists no prohibition of alcohol beverage sales at bars and restaurants on Sundays, nor has there ever. In fact, the one and only reason that mandatory Sunday closings were established in 1933 was to conform to existing state blue laws, which were in effect at the time.

Significant research has been conducted and documented illustrating absolutely no correlation whatsoever, to any increase of crime or safety issues in states that legalized Sunday sales. Actually, it's downright preposterous for anyone to attempt to make the argument that Sunday sales would have a negative impact on preserving the public peace. Why Sunday? What could possibly distinguish Sundays from any other day in this regard. If anything, consumption of alcohol beverages at home would reduce traffic to and from on-premise consumption.

In regard to the revenue issue, many hard facts have been clearly established illustrating that the state will indeed gain at least \$8 million in incremental annual tax revenue – probably much more. In fact, the latest study performed by the General Assembly's Program Review substantiates this fact. Additionally, hard facts and figures are on record from every state that has legalized Sunday sales which attribute their dramatic new state tax revenues.

The opposition to Sunday sales is basically the CPSA, which represents a minority of package stores in Connecticut - about 40% of off premise licenses in the state. They don't want to open on Sundays, and don't want their competitors to have the choice. They will not be forced to open their stores – the decision to open or close will be theirs alone.

This tiny trade group thinks that the legislature should enact laws to "*give them a day of rest*" on Sundays. But, did they ever stop to think, why just liquor stores? What about the small hardware stores, variety stores, kitchen stores, clothing stores, etc. Why shouldn't they get the same protectionist treatment. The very simple answer is that it's downright unconstitutional. The United States Supreme Court and The Connecticut Supreme Court declared it so.

Throughout this debate, many bogus claims have been made. The constant denial of the facts and truth, voiced by the special interest opposition, clearly displays their unique combination of arrogance and ignorance in regard of the Sunday sales issues.

They seem to be under the impression that the mission of the state legislature to act as their protectionist agency. They fail to realize and accept that the real mission is to legislate according to the principles of the state constitution, court rulings and the Constitution of the United States. And, it is especially crucial for legislation to be enacted for the common good; that which is clearly in the best interests of all citizens of the state. The people of Connecticut deserve nothing less. It's time to correct this injustice of mandatory Sunday closings and repeal this antiquated ban.

Let's join the other 47 states and compete effectively and keep the revenue in Connecticut.

Bruce Nevins
WineWise
122 E. Putnam Ave.
Greenwich, CT 06811
203-733-1980